



Order Filed on May 12, 2023
by Clerk
U.S. Bankruptcy Court
District of New Jersey

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

Caption in compliance with D.N.J. 9004-1(b)

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IN RE:

RAYMOND C. MIDDLETON
Debtor

Case No.: 20-22444-VFP

Chapter 13

Judge: Vincent F. Papalia

CONSENT ORDER MODIFYING STAY AS TO MOTOR VEHICLE
2015 BMW 6 Series Sedan 4D 640xi AWD 3.0L I6 Turbo

The relief set forth on the following pages, number two (2) through three (3) is hereby **ORDERED**.

DATED: May 12, 2023



Honorable Vincent F. Papalia
United States Bankruptcy Judge

1. The 11 USC §362(a) Automatic Stay as to BMW Bank of North America, its successors and/or assigns ("Movant"), with respect to the personal property of the Debtor described as a 2015 BMW 6 Series Sedan 4D 640xi AWD 3.0L I6 Turbo, V.I.N. WBA6B8C57FD452956, in accordance with the agreement of the Debtor and Movant, is hereby modified and shall remain in effect. PROVIDED THAT Debtor comply with the following terms and conditions:
 - a. The Debtor will resume making regular monthly installment payment in the amount of \$939.77 as they become due Commencing on May 30, 2023.
 - b. The Debtor will cure current due to the Movant in the total amount of \$1,317.78, which includes the balance due under the contract as of date May 4, 2023, filing fees (in the amount of \$181.00) and attorney's fees (in the amount of \$200.00) on or before October 30, 2023.
 - c. Monthly Cure Payments: Debtor will make six (6) consecutive monthly payments to cure the Arrearage ("Cure Payment"). The first five (5) Cure Payments will be in the amount of \$220.00 and the last Cure Payment will be in the amount of \$217.78. Each Cure payment is due by the 30th of the month with the first Cure Payment due on or before May 30, 2023. The last Monthly Cure Payment will be paid on or before October 30, 2023.
2. The term "payment" as set forth in Paragraph 1, *supra*, does not include a check that is returned due to insufficient funds, account closed or is otherwise not capable of negotiation for any other reason.
3. Debtor will be in default under the Consent Order in the event that Debtor fails to comply with the payment terms and conditions set forth in above Paragraph 1, *supra*. If Debtor fails to cure the default within thirty (30) days from the date of default, Movant may apply on five days' notice to Debtor, Counsel for Debtor and the Chapter 13 Trustee for an order lifting the automatic stay imposed under 11 U.S.C. §362(a) and permitting Movant to exercise any rights under the loan documents with respect to the motor vehicle including, but not limited to, initiating and completing a sale of the motor vehicle without regard to any future conversion of this matter to a different form of bankruptcy.
4. In the event Debtor convert to a bankruptcy under any Chapter other than Chapter 13 of the Bankruptcy Code, then Debtor shall pay all pre-petition arrears and post-petition delinquent payments, fees, and charges due and owing within fifteen (15) days from the date the case is

converted from Chapter 13 to any other Chapter. If Debtor fails to make payments in accordance with this paragraph, then Movant, through counsel, may file a Certification of Default setting forth and failure and Movant shall be granted immediate relief from the automatic stay and under the provisions of Section 362 of the Bankruptcy Code (11 U.S.C. §362) and the Movant is then permitted to exercise any rights under the loan documents with respect to the motor vehicle including, but not limited to, initiating, and completing a sale of the motor vehicle. The failure of Movant to issue a notice of default will not be construed or act as a waiver of any of the rights of Movant under the Consent Order.

5. The debtor waives the fourteen (14) day stay provided under Rule 4001(a)(3), F.R.B.P.

We hereby consent to the form and entry of the foregoing Order.

5/8/2023 /s/ Angela Nascondiglio Stein

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